

United States District Court  
Northern District of California

BIG SUN ENERGY TECHNOLOGY, INC.,

Plaintiff,

v.

SOLARIA CORPORATION,

Defendant.

Case No.: 13-cv-1764 KAW

ORDER REGARDING THE PARTIES'  
STIPULATION TO SEAL THE  
COMPLAINT

The parties have consented to the undersigned's jurisdiction in this case. On May 24, 2013, the parties filed a stipulation and proposed order requesting that: 1) the complaint in this case be sealed, because it contains confidential information regarding solar cell manufacture and the technology of Defendant's products; and 2) the complaint be dismissed with prejudice.

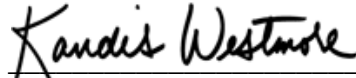
The Court will not approve the parties' stipulation to seal the complaint as it is currently written, because the parties have not made the showing required by Civil Local Rule 79-5. As 79-5(a) states, "A sealing order may issue only upon a request that establishes that the document, or portions thereof is privileged or protectable as a trade secret or otherwise entitled to protection under the law . . . The request must be narrowly tailored to seek sealing only of sealable material, . . . A stipulation, or a blanket protective order that allows a party to designate documents as sealable, will not suffice to allow the filing of documents under seal." Although the parties have stated that some of the information in the complaint is "confidential" information regarding Defendant's products, they have not explicitly explained that the information is a trade secret or is otherwise sealable. Moreover, there has been no showing that the entire complaint is sealable, or any indication as to which parts of the complaint are to be redacted and filed under seal.

Accordingly, the parties' stipulation to file the complaint under seal is denied without prejudice.

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), a stipulation of dismissal signed by all of the parties who have appeared automatically dismisses the action, even without a Court order. Thus, the Clerk of the Court shall close this case.

It is so ORDERED.

Dated: May 31, 2013



KANDIS A. WESTMORE  
UNITED STATES MAGISTRATE JUDGE